

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ELVIN MERCADO )  
 )  
 v. ) Civil No. 04-11653-PBS  
 )  
 UNITED STATES OF AMERICA )  
 )

ASSENTED TO MOTION OF THE UNITED STATES  
FOR A THREE-DAY EXTENSION TO FILE OPPOSITION  
TO AMENDED 2255 MOTION

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and Peter K. Levitt, Assistant U.S. Attorney, and hereby requests a three day extension, to Friday, January 19, 2007, to file its opposition to defendant's amended 2255 motion.

As grounds for this motion the government states that its opposition is currently due on January 16, 2007, and a hearing on the defendant's motion is scheduled for February 8, 2007. Counsel for the government has been preparing for a trial in United States v. Bucci et al., Cr. No. 03-10220 MEL, which is scheduled to commence on January 29, 2007, and last for two to three weeks. In light of the trial schedule, the government seeks the three-day extension to adequately address the issues in the defendant's motion.

The defendant, through counsel, Roberto Bracerias, assents to the request herein on the understanding, agreed to by both parties, that the three-day extension not affect the motion hearing date of February 8, 2007, and that the government assent

to a commensurate extension for the defendant to file any response to the government's opposition, if necessary, which the government does.

WHEREFORE, the government requests an extension, until January 19, 2007, to respond to the defendant's motion.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: s/ PETER K. LEVITT  
PETER K. LEVITT  
Assistant U.S. Attorney

January 16, 2007